

**§ 22. Time allowed to settle affairs and depart**

When an alien who becomes liable as an enemy, in the manner prescribed in section 21 of this title, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

(R.S. § 4068.)

## CODIFICATION

R.S. § 4068 derived from acts July 6, 1798, ch. 66, § 1, 1 Stat. 577; July 6, 1812, ch. 130, 2 Stat. 781.

**§ 23. Jurisdiction of United States courts and judges**

After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed.

(R.S. § 4069.)

## CODIFICATION

R.S. § 4069 derived from act July 6, 1798, ch. 66, § 2, 1 Stat. 577.

**§ 24. Duties of marshals**

When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor and to execute such order in person, or by his deputy or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be.

(R.S. § 4070.)

## CODIFICATION

R.S. § 4070 derived from act July 6, 1798, ch. 66, § 3, 1 Stat. 578.

**CHAPTER 4—ESPIONAGE****§§ 31 to 39. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862**

Section 31, acts June 15, 1917, ch. 30, title I, § 1, 40 Stat. 217; Mar. 28, 1940, ch. 72, title I, § 1, 54 Stat. 79, related to unlawful obtaining or permitting to be obtained information affecting national defense. See section 793 of Title 18, Crimes and Criminal Procedure.

Section 32, act June 15, 1917, ch. 30, title I, § 2, 40 Stat. 218, related to unlawful disclosures affecting national defense. See section 794 of Title 18.

Section 33, act June 15, 1917, ch. 30, title I, § 3, 40 Stat. 219, related to seditious or disloyal acts or words in time of war. See section 2388 of Title 18. Section 33 was amended by act May 16, 1918, ch. 75, § 1, 40 Stat. 553, which was repealed and the original section reenacted by act Mar. 3, 1921, ch. 136, 41 Stat. 1359.

Section 34, act June 15, 1917, ch. 30, title I, § 4, 40 Stat. 219, related to conspiracy to violate sections 32 and 33 of this title. See sections 794 and 2388 of Title 18.

Section 35, acts June 15, 1917, ch. 30, title I, § 5, 40 Stat. 219; Mar. 28, 1940, ch. 72, § 2, 54 Stat. 79, related to the harboring or concealing of violators of the law. See sections 792 and 2388 of Title 18.

Section 36, act June 15, 1917, ch. 30, title I, § 6, 40 Stat. 219, related to designation by proclamation of prohibited areas. See section 793 of Title 18.

Section 37, act June 15, 1917, ch. 30, title I, § 8, 40 Stat. 219, related to places subject to provisions of sections 31 to 42 of this title. See section 2388 of Title 18.

Section 38, act June 15, 1917, ch. 30, title I, § 7, 40 Stat. 219, related to jurisdiction of courts-martial and military commissions.

Section 39, act June 15, 1917, ch. 30, title XIII, § 2, 40 Stat. 231; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, related to jurisdiction of Canal Zone courts over offenses on high seas. See section 3241 of Title 18.

## EFFECTIVE DATE OF REPEAL

Repeal of sections 31 to 39 effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

**§ 40. Transferred**

## CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231, defined “United States” as used in act June 15, 1917, and was transferred to section 195 of this title.

**§ 41. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862**

Section, act June 15, 1917, ch. 30, title VIII, § 4, 40 Stat. 226, defined “Foreign government”. See section 11 of Title 18, Crimes and Criminal Procedure.

## EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

**§ 42. Transferred**

## CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 4, 40 Stat. 231, related to savings provisions and is set out as a Separability note under section 191 of this title.

Section was formerly classified to section 536 of Title 18 prior to the general revision and enactment of Title 18, Crimes and Criminal Procedure, by act June 25, 1948, ch. 645, 62 Stat. 683.